

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP, Plaintiff, v. WILMINGTON SAVINGS FUND SOCIETY FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2014-10TT, Defendant.	Civil Action No. 18-11924-FDS
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PLAINTIFF'S ANSWERS TO FIRST SET OF ADMISSIONS
OF WILMINGTON SAVINGS

Request No. 1: Admit you received the letter and the included attachments mailed first-class dated June 6, 2017 from Selene Finance LP entitled "RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN," attached hereto as Exhibit A.

Answer: I do not remember receiving a letter and the included attachments mailed first-class dated June 6, 2017 from Selene Finance LP entitled "RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN."

Request No. 2: Admit you received the letter and the included attachments sent by certified mail dated June 6, 2017 from Selene Finance LP entitled "RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN," attached hereto as Exhibit B.

Answer: I do not remember receiving a letter and the included attachments sent by certified mail dated June 6, 2017 from Selene Finance LP entitled "RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN."

Request No. 3: Admit you did not complete and return the attachments contained in the letter mailed first-class dated June 6, 2017 from Selene Finance LP entitled “RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN,” attached hereto as Exhibit A.

Answer: Admit

Request No. 4: Admit you did not complete and return the attachments contained in the letter sent by certified mail dated June 6, 2017 from Selene Finance LP entitled “RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN,” attached hereto as Exhibit B.

Answer: Admit

Request 5: Admit Wilmington Savings provided you with an assessment of your ability to make affordable monthly mortgage payments.

Answer: Deny. Wilmington did not provide me with an assessment of my ability to pay and that denial continues to today, and includes Lender’s recent “Avoid Foreclosure-Act Now,” letter, dated, February 14, 2019, offering a trial modification, with \$89,000 to be paid in monthly mortgage payments within six months.

Request 6: Admit Wilmington Savings notified you of your right to pursue a modified mortgage loan.

Answer: Deny. Wilmington did not notify me of my right to pursue a modified mortgage.

Request 7: Admit Count One of the Complaint against Wilmington Savings pursuant to Mass. Gen. Laws. ch. 244, Section 35B has no factual basis.

Answer: Deny. Count One of the Complaint has factual basis and additional information would include Lender’s recent “offer,” a letter headed “Avoid Foreclosure –Act Now,” letter, dated February 14, 2019.

Request 8: Admit Wilmington Savings complied with the statutory requirements of Mass.Gen. Laws. ch. 244, Section 35B regarding foreclosing the Mortgage on the Property.

Answer: Deny. Wilmington did not comply with the statutory requirements of Mass.Gen.Law cha. 244, Section 35B, and that noncompliance continues to this day with Lender sending an "Avoid Foreclosure-Act Now" letter, dated February 14, 2019, purporting to assist Mr. Vanderhoop but instead demanding \$89,000 within six months, with \$50,000 due immediately, all without providing an opportunity for Mr. Vanderhoop to complete either a loan modification application or a loan mitigation application, but an offer that raised the initial loan by \$499,000 based on interest and fees.

Request 9: Admit you receive notified of your rights under Mass. Gen. Laws. ch. 24, Section 35B(c).

Answer: Deny. I obtained information regarding my rights from legal assistance not from the lender.

Request 10: Admit you are in default on the payment due under the Mortgage loan.

Answer: Admit.

Request 11: Admit Wilmington Savings has caused you no damages.

Answer: Deny. Wilmington has caused me damages; I was unable to sell my home and my physical health has declined significantly.

March 14, 2019

Signed under the pains and penalties of perjury,


MATTHEW J. VANDERHOOP

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CERTIFICATE OF SERVICE

I, Deborah M. Dorman, of the Law Office of Deborah M. Dorman, counsel for Mr. Matthew Vanderhoop, plaintiff in the above-captioned action, hereby certify that on March 14, 2019, I served answers to defendant's First Request for Admissions of Wilmington Savings to Plaintiff and this Certificate of Service by first-class U.S. mail the following:

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